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3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 JAMES A. BOYD,

7 Plaintiff,

8 v.

9 MICC CORRECTIONAL OFFICER  
10 SPEARS,

11 Defendant.

Case No. C09-5408BHS-KLS

ORDER DIRECTING SERVICE BY  
UNITED STATES MARSHAL AND  
PROCEDURES

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15 This civil rights action has been referred to the undersigned Magistrate Judge pursuant to  
16 Title 28 U.S.C. § 636(b)(1)(B). Plaintiff has been granted leave to proceed *in forma pauperis*.

17 The Clerk is directed to effect service as provided below:

18 (1) Service by United States Marshal

19 It is hereby ORDERED that the United States Marshal shall send the following to each  
20 named defendant by first class mail: a copy of the complaint (Dkt. #4) and of this Order, two  
21 copies of the Notice of Lawsuit and Request for Waiver of Service of Summons, a Waiver of  
22 service of Summons, and a return envelope, postage prepaid, addressed to the Clerk's Office.

23 All costs of service shall be advanced by the United States. The Clerk shall assemble the  
24 necessary documents to effect service. The Clerk also shall send a courtesy copy of the  
25 complaint to the Washington State Office of the Attorney General.  
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ORDER - 1

1           (2)    Response Required

2           Defendants shall have **thirty (30) days** within which to return the enclosed Waiver of  
3 Service of Summons. Each defendant who timely returns the signed Waiver shall have **sixty**  
4 **(60) days** after the date designated on the Notice of Lawsuit to file and serve an answer or a  
5 motion directed to the complaint, as permitted by Federal Rule of Civil Procedure (“Fed. R. Civ.  
6 P.”) 12.

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8           Any defendant who fails to timely return the signed Waiver will be personally served  
9 with a summons and complaint, and may be required to pay the full costs of such service,  
10 pursuant to Fed. R. Civ. P. 4(d)(2). A defendant who has been personally served shall file an  
11 answer or motion permitted under Rule 12 within **thirty (30) days** after service.

12           (3)    Filing and Service by Parties, Generally

13           All original documents and papers submitted for consideration by the Court in this case,  
14 and a duplicate of all such papers, are to be filed with the Clerk of this Court. The originals and  
15 copies of all such papers shall indicate in the upper right-hand corner the name of the Magistrate  
16 Judge to whom the copies are to be delivered. The papers shall be accompanied by proof that  
17 such documents have been served upon counsel for the opposing party (or upon any party acting  
18 *pro se*). The proof shall show the day and manner of service and may be written  
19 acknowledgment of service, by certificate of a member of the bar of this Court, or by affidavit of  
20 the person who served the papers.

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22           (4)    Motions

23           Any request for Court action shall be set forth in a motion, properly filed and served,  
24 pursuant to the requirements of Local Rule CR 7. If a party fails to file and serve timely  
25 opposition to a motion, the Court may deem any opposition to be without merit.  
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(6) Direct Communications with District Judge or Magistrate Judge

No direct communication is to take place with the District Judge or Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk.

(7) Clerk's Action

The Clerk is directed to send a copy of this Order and of the General Order issued by the Magistrate Judges to plaintiff and to defendant[s] and defendant['s][s'] counsel, if any.

The Clerk is directed to send a copy of this Order and of the General Order issued by the Magistrate Judges to plaintiff and to defendant[s] and defendant[’s][s’] counsel, if any.

Karen L. Strombom  
United States Magistrate Judge